

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED
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U.S. DISTRICT COURT E.D.N.Y.

JUN 19 2012 ★

BROOKLYN OFFICE

NOT FOR PRINT OR
ELECTRONIC PUBLICATION

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STANLEY ARISTILDE EL-BEY,
in Propria Persona, Ex. Rel. Stanley
Aristilde,

Plaintiff,

- against -

MEMORANDUM
AND ORDER

12-CV-02385 (ARR)(MDG)

STATE OF NEW YORK, including but not
limited to all their agencies and agents listed as
debtors on Bill of Particulars including Docket
numbers 107234-2011 (030343); SUPREME
COURT OF THE STATE OF NEW YORK;
STACY L. COHEN, Corporation Counsel
(NYC); KENNETH D. LITWACK;
MAGISTRATE BARBARA JAFFE,

Defendants.
-----X

ROSS, United States District Judge:

On May 10, 2012, *pro se* plaintiff, Stanley Aristilde El-Bey, filed this civil action against the State of New York and its Supreme Court, two attorneys and a New York State Judge. By Order dated May 24, 2012, the Court denied plaintiff's request to proceed *in forma pauperis* ("IFP") and directed him to file an amended IFP application or remit the filing fee within 14 days of the Order, or June 7, 2012. On May 29, 2012, plaintiff submitted a document entitled "Affidavit as Fact" and on June 7, 2012 a document entitled "Certificate of Non-Response / Non-Performance." Neither of these documents is responsive to the Court's directive to file an amended IFP application containing the required information from which the Court could make its determination regarding plaintiff's qualification for proceeding *in forma pauperis*. The only relevant information in these documents is the following sentence: "I have no capital

investments and my pecuniary wages/credits will not lawfully satisfy the alleged filing fee debt.” Affidavit as Fact at 1. This is a conclusion that he is entitled to the status, but does not provide any facts from which the Court may make a finding of indigency. Thus, the Court finds that Plaintiff’s financial declaration does not support a showing of indigency and declines to grant *in forma pauperis* status.

Accordingly, the action is dismissed without prejudice.¹

/S/

Allyne R. Ross
United States District Judge

Dated: June 19, 2012
Brooklyn, New York

¹The Court notes that, for the reasons stated in its May 24, 2012 Order, even if plaintiff paid the filing fee or was granted *in forma pauperis* status, the complaint would have been dismissed *sua sponte* pursuant to the immunity doctrines discussed therein and for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

SERVICE LIST:

Plaintiff:

Stanley Aristilde El-Bey
1653 Brooklyn Avenue
Brooklyn, NY 11210